

941
No. 2565

United States
Circuit Court of Appeals
For the Ninth Circuit.

ERNEST C. REED,

Appellant,

vs.

THE UNITED STATES OF AMERICA,
CHARLES E. SEBASTIAN, Chief of Police
of the City of Los Angeles, and PATRICK J.
PHELAN, Agent of the State of Iowa,
Appellees.


In the Matter of the Application of ERNEST C.
REED, for a Writ of Habeas Corpus.

Transcript of Record.

Upon Appeal from the United States District Court for
the Southern District of California,
Southern Division.

Filed

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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*In the District Court of the United States, Southern
District of California, Southern Division.*

In the Matter of the Application of ERNEST C.
REED for Writ of Habeas Corpus.

**Order Extending Time to Prepare and File Trans-
script on Appeal.**

Good cause being shown therefor from the affidavit and of the said Ernest C. Reed and his examination before the Court, IT IS HEREBY ORDERED that the time for preparing and filing the Transcript on Appeal in the above-entitled matter be and the same is hereby extended ten days from the date hereof, to wit, to and including Thursday, January 28, 1915.

January 18, 1915.

BLEDSOE, Jr.,
Judge.

FCC: MGC.

[Endorsed]: No. 899—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed, for Writ of Habeas Corpus. Order Extending Time to Prepare and File Transcript on Appeal. Filed Jan. 18, 1915. Wm. M. Van Dyke, Clerk. By F. F. Green, Deputy.

Names and Addresses of Attorneys.

For Petitioner and Appellant:

Messrs. COLLIER, SHELTON & SCHLEGEL,
811 H. W. Hellman Building, Los Angeles,
California.

For Respondents and Appellees:

PERCY V. HAMMON, Esq., Deputy District
Attorney of Los Angeles County, Los An-
geles, California; and

C. A. STUTSMAN, Esq., 903 California Build-
ing, Los Angeles, California. [3*]

*In the District Court of the United States, in and for
the Southern District of California, Southern
Division.*

No. 899—CRIM.

In the Matter of the Application of ERNEST C.
REED, for a Writ of Habeas Corpus. [4]

*In the United States District Court, Southern Dis-
trict of California, Southern Division.*

In the Matter of the Application of ERNEST C.
REED, for a Writ of Habeas Corpus.

Petition for Writ.

To the Hon. BENJAMIN F. BLEDSOE, Judge of
the United States District Court, Southern Dis-
trict of California, Southern Division:

The Petition of Ernest C. Reed, respectfully
shows: That Ernest C. Reed is imprisoned, detained,

*Page-number appearing at foot of page of original certified Record.

confined and restrained of his liberty by C. E. Sebastian as Chief of Police of the city of Los Angeles in said county, and by Patrick J. Phelan, an agent of the Governor of the State of Iowa, at Los Angeles, in the County of Los Angeles, in the State of California; that the said imprisonment, detention, confinement and restraint are illegal; and that the illegality thereof consists in this, to wit: that said Ernest C. Reed is restrained of his liberty by the said C. E. Sebastian as Chief of Police of the city of Los Angeles and said Patrick J. Phelan as such agent of the Governor of the State of Iowa, under and by virtue of a certain demand for the extradition of the said Ernest C. Reed by the Governor of the State of Iowa founded upon an illegal indictment by the Grand Jury of Scott County, Iowa, and a writ of rendition issued thereon for the apprehension of said Ernest C. Reed by the Honorable Hiram W. Johnson, Governor of the State of California; that affiant is informed and believes and upon such information and belief alleges the fact to be that true copies of all of the papers, pleadings, files, affidavits, certificates and all other documents presented to the Hon. Hiram W. Johnson as Governor of the State of California, or to any one lawfully acting in [5] his place and stead by the State of Iowa or the Governor thereof or any of its or his agents, for the purpose of procuring from said Governor of the State of California, or his lawfully authorized representative, the writ of rendition hereinabove mentioned, are attached hereto as pages 2 to 16 inclusive of Exhibit "A" hereto attached and made a part hereof and that no other

papers, certificates, documents, pleadings or files were presented to or used or acted upon therein by said Governor of the State of California, or his lawfully authorized representative; that said imprisonment and detention of the said Ernest C. Reed by said officers is illegal for the following particular reasons:

I.

That said requisition or demand of the Governor of the State of Iowa is wholly insufficient to authorize or empower the said State of Iowa to ask for the extradition of the said Ernest C. Reed from the State of California or to justify said request or to cause him to be extradited from the State of California to the State of Iowa, and is wholly insufficient to support or justify such request or warrant extradition thereunder for the following reasons, to wit:

(a) That said indictment upon which the same is based, a true copy whereof is attached hereto as pages 5, 6, and 7, of Exhibit "A" hereof and made a part hereof, purporting to have been filed in the District Court of the County of Scott, State of Iowa, on September 25, 1914, is wholly insufficient as an indictment in the following particulars, to wit:

1. That it does not state facts sufficient to constitute a public offense or crime or to charge the said Ernest C. Reed with any crime or public offense.

2. That it does not appear from said indictment that the said Asaph Sergeant was defrauded in any manner or thing whatsoever. [6]

3. That it does not appear that the property alleged as having been obtained from said Ernest C. Reed was of any value whatsoever.

4. That there is no such crime as the crime of false pretenses known to the laws of the State of Iowa.

5. That it cannot be ascertained therefrom whether said indictment seeks to charge the crime of cheating by false pretenses or the crime of felony.

6. That it cannot be determined therefrom whether the said Asaph Sergeant intended to part with the title of said property or thing.

7. That it cannot be ascertained therefrom what, if anything, the said Asaph Sergeant was to receive for the property alleged to have been obtained by the said Ernest C. Reed, and therefore does not contain a material part of the transactions and representations.

8. That it does not appear therefrom from the alleged representation made by the said Ernest C. Reed at what period of time the real property in said indictment described was free and clear of incumbrances, nor when the said Ernest C. Reed owned the property.

9. That it further affirmatively appears that the alleged representation as to warranty was only to be performed in the future and therefore promissory, and was not of a past or existing fact.

10. That the allegation in said indictment contained to the effect that said Ernest C. Reed could not warrant the premises unto the said Asaph Sergeant is a conclusion of law purely and is not a statement of a fact.

(b) That the alleged criminal offense, if any there be, is barred by Section 5165 of the Annotated

Codes of 1897 of the State of Iowa, as follows, to wit:

“THREE YEARS. In all other cases an indictment for public offense must be found within three years after the commission thereof and not afterwards,” [7]

and that the said alleged public offense, if any there be, set forth in said indictment comes within the purview of said section, and the Ernest C. Reed was for more than three years following the conclusion of said alleged offense set forth in said indictment, publicly a resident within the State of Iowa.

(c) That said requisition and said executive warrant issued by the Governor of the State of California should not have been issued for the reason that the said Ernest C. Reed is not now and was not at the time the said requisition and the said Governor's warrant were issued, nor at the time of the finding of said indictment, a fugitive from justice, under Section 5278 United States Revised Statutes.

II.

That the said Ernest C. Reed has not committed any crime and the said process of the State of Iowa is not being used in good faith but is being maliciously used for ulterior purposes to wit, private gain by the said Asaph Sergeant in this, that the said extradition is being used solely and entirely by the said Asaph Sergeant to collect a private debt, to wit, the sum of Twenty-five Hundred Dollars which the said Asaph Sergeant paid or caused to be paid to discharge a vendor's lien upon the real property described in said indictment, and that it is not true that the said process was issued for the purpose of punish-

ing said Ernest C. Reed for any crime as set forth in the affidavits of Vollmer and Sergeant referred to above, but by said process said Sergeant is attempting and will attempt to collect a private debt and said process was obtained by him for that purpose and no other.

WHEREFORE, your petitioner prays that a Writ of Habeas Corpus may be granted, directed to the said C. E. Sebastian as such Chief of Police of the city of Los Angeles aforesaid, and to the said Patrick J. Phelan as such officer of the State of Iowa, [8] commanding them, and each of them, to have the body of said petitioner before your Honor at a time and place to be therein specified to do and receive what shall then and there be considered by your Honor, concerning said Ernest C. Reed together with the time and cause of his detention and said writ and that said Ernest C. Reed may be restored to his liberty.

ERNEST C. REED.

State of California,
County of Los Angeles,—ss.

Ernest C. Reed, being first duly sworn, deposes and says: That he is the petitioner named in the foregoing petition; that he has read the contents thereof, and that the same is true of his own knowledge, except as to such matters as are therein stated upon information or belief, and as to those matters he believes it to be true.

Subscribed and sworn to before me this 17th day of December, 1914.

[Seal]

FRANK C. COLLIER,
Notary Public.

FCC:MGC. [9]

Exhibit "A" [to Petition—Warrant, etc.].

STATE OF CALIFORNIA.

EXECUTIVE DEPARTMENT.

The People of the State of California, to any Sheriff,
Constable, Marshal, or Policeman of this State,
Greeting:

WHEREAS, It has been represented to me by the Governor of the State of Iowa that ERNEST C. REED stands charged with the crime of False Pretenses, committed in the County of Scott, in said State, and that he fled from the justice of that State, and has taken refuge in the State of California, and the said Governor of Iowa having, in pursuance of the Constitution and Laws of the United States, demanded of me that I shall cause the said ERNEST C. REED to be arrested and delivered to PATRICK J. PHELAN, who is authorized to receive him into his custody and convey him back to the said State of Iowa.

AND WHEREAS, the said representation and demand is accompanied by a copy of certificate of prosecuting attorney, copies of indictment and warrant, and affidavits, certified by the Governor of the State of Iowa to be authentic, whereby the said ERNEST C. REED is charged with said crime; and it satisfactorily appearing that the representations of the said Governor of Iowa are true, and that said

ERNEST C. REED is a fugitive from the justice of said State of Iowa.

YOU ARE THEREFORE required to arrest and secure the said ERNEST C. REED, wherever he may be found within this State, and to deliver him into the custody of the said PATRICK J. PHELAN, to be taken back to the state from which he fled, pursuant to the said requisition, he, the said PATRICK J. PHELAN, defraying all costs and expenses incurred in the arrest and securing of the said fugitive.

IN WITNESS WHEREOF, I have hereunto set my hand [10] and caused the Great Seal of the State to be affixed, this, the 30th day of November, in the year of our Lord one thousand nine hundred and fourteen.

[The Great Seal of the State of California.]

HIRAM W. JOHNSON,

Governor of the State of California.

By the Governor: FRANK C. JORDAN,

Secretary of State.

By FRANK H. CANY,

Deputy.

RETURN THIS WRIT TO THE GOVERNOR'S OFFICE, AT SACRAMENTO, CALIFORNIA.

(Over)

(On reverse side of sheet:)

State of California,

County of Los Angeles,—ss.

I HEREBY CERIFY, That I have executed the within warrant by arresting the said Ernest C. Reed, the fugitive named therein, and delivering him into

the custody of the said Patrick J. Phelan, the Agent of the State of Iowa, at Los Angeles, Calif., this 4th day of December, 1914.

C. E. SEBASTIAN,
Chief of Police of the city of Los Angeles, California.

I hereby certify that I received the within-named fugitive Ernest C. Reed from C. E. Sebastian, Chief of Police of the city of Los Angeles, in said city, this 4th day of December, 1914.

PATRICK J. PHELAN,
Agent of the State of Iowa. [11]

**[Appointment of Patrick J. Phelan as Agent—
Exhibit to Petition.]**

STATE OF IOWA.

EXECUTIVE DEPARTMENT.

G. W. Clarke, Governor of the State of Iowa, to All
to Whom These Presents Shall Come, Greeting:

KNOW YE That I have appointed, and do hereby appoint, Patrick J. Phelan, of the County of Scott, my agent to take and receive from the authorities of the State of California,

ERNEST C. REED,
fugitive from justice, and to convey him to the State of Iowa, to be dealt with according to law.

These are therefore to request and require all persons to permit the said agent to receive and secure the said fugitive and bring him unmolested into this State, said agent peaceably and lawfully behaving.

The State of Iowa will be at no expense on account hereof unless the accused be returned to the State, indicted (if not already so) and tried; nor shall such

expense in any event exceed the sum of Three Hundred Dollars, in addition to fees lawfully paid to officers of other States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines this 21st day of November, in the year of our Lord one thousand nine hundred and fourteen, of the independence of the United States the one hundred and thirty-ninth.

[Great Seal of the State of Iowa.]

By the Governor: G. W. CLARKE.

W. S. ALLEN,

Secretary of State. [12]

[Requisition for Apprehension of Fugitive, etc.—
Exhibit to Petition.]

STATE OF IOWA.

EXECUTIVE DEPARTMENT.

The Governor of the State of Iowa, to His Excellency,
the Governor of California:

Whereas, it appears by the annexed papers which I certify to be authentic and duly authenticated in accordance with the laws of this State, that Ernest C. Reed stands charged by indictment with the crime of False Pretenses committed in the County of Scott, in this State, which I certify to be a crime under the laws of this State, and that he ha— fled from this State and is a fugitive from the justice thereof and it is believed such fugitive ha— taken refuge in the State of California.

Now, Therefore, I, G. W. Clarke, Governor of the State of Iowa, pursuant to the provisions of the Con-

stitution and Laws of the United States, do hereby make requisition for the apprehension of the said fugitive and for his delivery to Patrick J. Phelan, who is hereby authorized to receive and convey him to the State of Iowa, here to be dealt with according to law.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines, this 21st day of November, in the year of our Lord one thousand nine hundred and fourteen, of the independence of the United States the one hundred and thirty-ninth.

By the Governor: G. W. CLARKE. (Signed)

W. S. ALLEN. (Signed)

Secretary of State. [13]

APPLICATION FOR REQUISITION.

State of Iowa,
County of Scott,
Office of County Attorney.

November 21, 1914.

To the Govenor of the State of Iowa:

Sir: I herewith make application for a requisition upon the Governor of California for the return of ERNEST C. REED, who is charged in this county with felony, and who, as it appears from the accompanying affidavit, is a fugitive from justice of this State.

In support of this application I send herewith certified copies of the indictment and bench warrant and also affidavits alleging the facts required to be established, and I hereby certify:

1. That the full name of the person for whom extradition is asked is Ernest C. Reed, who stands charged with crime of False Pretenses, and the name of the agent proposed is Patrick J. Phelan, who is a resident of Davenport, in the County of Scott, State of Iowa.

2. That in my opinion the ends of public justice require that the alleged criminal be brought to this State for trial, at the public expense.

3. That I believe I have sufficient evidence to secure the conviction of said fugitive.

4. That the person named as agent is a proper person and that he has no private interest in the arrest of said fugitive.

5. That all papers herein are in duplicate and have been compared with each other, and are in all respects, entirely alike.

6. That this application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatever; and if the requisition now applied for be granted, the criminal proceedings shall not be used for any of said objects. [14]

(Signed) FRED VOLLMER,

County Attorney.

(Over)

(On reverse side of sheet:)

AFFIDAVIT.

Affidavit [of Fred Vollmer—Exhibit to Petition].

State of Iowa,

County of Scott,—ss.

I, Fred Vollmer, on oath depose and say: That Ernest C. Reed, who is charged with crime of False

Pretenses, committed on or about June 7, 1909, in the County of Scott, has, since the commission of said crime, actually fled from the State of Iowa, the time of his escape being about June 7, 1909, and that he is now a fugitive from justice of this State, and I have reason to believe is at Los Angeles, in the State of California, where he is under arrest awaiting a warrant in this case, and I ask that a requisition be issued on the Governor of the State of California.

(Signed) FRED VOLLMER.

Subscribed and sworn to before me by Fred Vollmer, this 21st day of November, 1914.

F. A. COOPER,

Notary Public Scott Co., Ia.

(With the seal of said notary impressed thereon.) [15]

WM. THEOPHILUS,

Judge of the Seventh Judicial District.

[Indictment—Exhibit to Petition.]

This Bill of Indictment was presented in Open Court in the Presence of the Grand Jury, and by their Foreman, and is now here filed in presence of the Court, and of the Grand Jury, this 25th day of September, A. D. 1914.

H. J. McFARLAND,

Clerk District Court, Scott County, Iowa.

A. C. MARTENS,

Deputy.

No Private Prosecutor.

No. 3280.

THE STATE OF IOWA

vs.

ERNEST C. REED.

A True Bill.

J. G. DUTCHER.

Foreman of the Grand Jury.

Names of witnesses examined before the Grand Jury:

CHAS. SORROWFREE.

ASAPH SERGEANT. [16]

District Court of the County of Scott.

THE STATE OF IOWA

Against

ERNEST C. REED.

The Grand Jury of the County of Scott, in the name and by the authority of the State of Iowa, accuse Ernest C. Reed of the crime of False Pretenses committed as follows:

The said Ernest C. Reed, on or about the 7th day of June, in the year of our Lord one thousand nine hundred and nine in the county aforesaid, did unlawfully, feloniously, designedly, by means of false pretenses and with intent to defraud, obtain from Asaph Sergeant and of the property of said Asaph Sergeant a draft in words and figures substantially as follows:

“LeClaire Savings Bank,

LeClaire, Iowa, June 7, 1909, No. 14742.

Pay to the order of A. Sergeant _____
\$5537.00 fifty-five hundred and thirty-seven dollars

(Nor over six thousand (6000.00)

Payable at

Par in To Iowa National Bank

New York or Davenport, Iowa,

Chicago Exchange.

F. C. MICHAEL.

H. D. G., Cashier.

Endorsed on the back thereof: "Asaph Sergeant," and a certificate of ten shares of stock of the par value of one hundred dollars per share of the America Security Co., a corporation (a better description being to this Grand Jury unknown), by unlawfully, feloniously, designedly, by means of false pretenses and with intent to defraud, represent that the title to all that certain tract or parcel of land in Moore County, Texas, more particularly described as follows: West half of Survey 11, Block Q, certificate 5/814, H. & G. N. R. R. Co., grant 320 acres in the [17] Pan Handle of Texas was clear, that it was unincumbered and that he owned the said land and the title thereto, and that he would warrant all and singular the said premises unto the said Asaph Sergeant against every person lawfully claiming or to claim the same or any part thereof, and each and all of said representations said Asaph Sergeant relied upon and believed.

Whereas in truth and in fact the aforesaid described land in Moore County, Texas, was not clear, and was not unincumbered, and that he did not own the said land and the title thereto and that he could not warrant the premises unto said Asaph Sergeant, and that in truth and in fact said above-described

land in Moore County, Texas, was then and there subject to a vendor's lien of a large amount of money, to wit, about Two Thousand Five Hundred Dollars, all of which was then and there well known to said Ernest C. Reed, contrary to and in violation of law; and the said Grand Jury further alleges that said defendant Ernest C. Reed has not been publicly a resident within the State of Iowa during the period of time from June 7, 1909, until the present time, the date of the return of this indictment.

(Signed) FRED F. VOLLMER,

County Attorney in and for Scott County, Iowa.

[18]

State of Iowa,

Scott County,— ss.

I, H. J. McFarland, Clerk of the District Court of the State of Iowa, in and for said county, do hereby certify that the above and foregoing is a true and perfect transcript of the Record Entry of Bill of Indictment in case No. 3280, The State of Iowa vs. Ernest C. Reed, in the above-entitled cause, as fully as the same remains on record in my office.

And I further certify that the records of said Court are now in my custody and under my control and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at the courthouse in Davenport, in said county, this 20th day of November, A. D. 1914.

(Signed) H. J. McFARLAND,

Clerk of District Court.

(With the seal impressed thereon.) [19]

JUDGE'S AND CLERK'S CERTIFICATE.

State of Iowa,
Scott County,—ss.

*In the District Court of Iowa, in and for Scott
County.*

I, M. F. DONEGAN, one of the judges of the Seventh Judicial District of Iowa, within which is included Scott County, do hereby certify that H. J. McFarland, whose genuine signature is attached to to the foregoing and attached certificate, was at the date thereof, to wit:

November 20th, 1914, the clerk of the District Court in and for Scott County, duly elected, qualified and acting, and the person having by law the custody of the seal of said Court, and that said certificate is in due form.

Witness my hand hereto this 20th day of November, A. D. 1914.

M. F. DONEGAN, (Signed)
Judge Seventh Judicial District.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, clerk of the District Court within and for Scott County, do hereby certify that Hon. M. F. Donegan, whose genuine signature is affixed to the foregoing certificate, was at the date thereof, to wit, November 20th, 1914, one of the Judges of the District Court of said Judicial District, duly elected, qualified and acting.

WITNESS my hand and the Seal of the Court hereto affixed, at my office in Davenport, in said

county this 20th day of November, 1914.

H. J. McFARLAND,

Clerk of Said Court.

(With the Seal of the District Court impressed thereon.) [20]

Bench Warrant [Exhibit to Petition].

State of Iowa,

Scott County,—ss.

The State of Iowa, to any peace officer in the State:

An indictment having been found in the District Court of said county, on the 25th day of September, A. D. 1914, charging Ernest C. Reed with the crime of False Pretenses, you are therefore hereby commanded to arrest the said Ernest C. Reed and bring him before said Court to answer said Indictment, if the said Court be then in session in said county (or if the said Ernest C. Reed require it, that you take him before a magistrate, or the clerk of the District Court in said county, or in the county in which you arrest him that he may give bail to answer the said indictment; or if the said Court be not then in session in said county, that you deliver him into the custody of the sheriff of said county.

Given under my hand and the seal of said Court, at my office, in the city of Davenport, in the county aforesaid, this 25th day of September, A. D. 1914.

By order of the Judge of the Court.

H. J. McFARLAND,

Clerk of District Court.

[Seal of the District Court of Scott Co., Iowa.]

The defendant is to be admitted to bail in the sum of \$10,000.00 Dollars. [21]

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court of the State of Iowa, in and for said county, do hereby certify that the above and foregoing is a true and perfect transcript of the record entry of BENCH WARRANT issued in case No. 3280, Criminal, State of Iowa vs. Ernest C. Reed, in the above-entitled cause, as fully as the same remains on record in my office.

And I further certify that the records of said court are now in my custody and under my control, and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at the courthouse in Davenport, in said county, this 20th day of November, A. D. 1914.

[Seal] (Signed) H. J. McFARLAND,
Clerk of District Court. [22]

JUDGE'S AND CLERK'S CERTIFICATE.

State of Iowa,
Scott County,—ss.

In the District Court of Iowa, in and for Scott County.

I, WM. THEOPHILUS, one of the judges of the Seventh Judicial District of Iowa, within which is enclosed Scott County, do hereby certify that H. J. McFarland, whose genuine signature is attached to

the foregoing and attached certificate was at the date thereof, to wit: November 20th, 1914, the clerk of the District Court in and for Scott County, duly elected, qualified, and acting, and the person having by law the custody of the seal of said Court, and that said certificate is in due form.

WITNESS my hand hereto this 20th day of November, A. D. 1914.

WM. THEOPHILUS, (Signed)

Judge Seventh Judicial District.

State of Iowa,

Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court, within and for Scott County, do hereby certify that Hon. Wm. Theophilus, whose genuine signature is affixed to the foregoing certificate, was at the date thereof, to wit, November 20th, A. D. 1914, one of the judges of the District Court of said judicial district, duly elected, qualified and acting.

WITNESS my hand and the seal of the Court hereto affixed, at my office in Davenport, in said county, this 20th day of November, 1914.

H. J. McFARLAND,

Clerk of Said Court.

(With the Seal of the District Court impressed thereon.) [23]

[Affidavit of Asaph Sergeant—Exhibit to Petition.]

*In the District Court of the State of Iowa, in and for
Scott County.*

STATE OF IOWA

against

ERNEST C. REED.

State of Iowa,

Scott County,—ss.

I, Asaph Sergeant, being duly sworn on oath states: That I reside in LeClaire, Scott County, Iowa, and that I am the principal complaining witness in the above-entitled cause; that this application for requisition upon the Governor of California for the return of Ernest C. Reed is made in good faith, for the sole purpose of punishing the accused, and that I do not desire or expect to use the prosecution for the purpose of collecting a debt or for any private purpose and will not directly or indirectly use the same for any of said purposes. I further state that said Ernest C. Reed has been absent from the State of Iowa since June 7, 1909. That I did not discover the fact that Ernest C. Reed had committed a crime in connection with the transaction that occurred on said date until I had the title examined to the property in question which was a long time after said date and that since the discovery of said crime I have been endeavoring to locate said Ernest C. Reed and that on or about November 20, 1914, I learned that he was in Los Angeles, California, and that this is the cause for

the delay in making the application for the requisition.

(Signed) ASAPH SERGEANT.

Signed and sworn to before me this 21st day of November, 1914.

WM. THEOPHILUS, (Signed)
Judge of the District Court of Iowa in and for the
Seventh Judicial District of Said State. [24]

JUDGE'S AND CLERK'S CERTIFICATE.

State of Iowa,
Scott County.

*In the District Court of Iowa, in and for Scott
County.*

I, WM. THEOPHILUS, one of the judges of the Seventh Judicial District of Iowa, within which is included Scott County, do hereby certify that H. J. McFarland whose genuine signature is attached to the foregoing and attached certificate, was at the date thereof, to wit: November 21st, 1914, the clerk of the District Court in and for Scott County, duly elected, qualified and acting, and the person having by law the custody of the Seal of said Court and that said certificate is in due form.

WITNESS my hand hereto this 21st day of November, A. D. 1914.

(Signed) WM. THEOPHILUS,
Judge Seventh Judicial District.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court with and for Scott County, do hereby certify that

Hon. Wm. Theophilus, whose genuine signature is affixed to the foregoing certificate, was at the date thereof, to wit: November 21st, A. D. 1914, one of the judges of the District Court of said Judicial District, duly elected, qualified and acting.

WITNESS my hand and the seal of the Court hereto affixed at my office in Davenport, in said county, this 21st day of November, 1914.

H. J. McFARLAND, (Signed)

Clerk of Said Court.

(With seal of said court impressed thereon.)

[25]

**[Instructions Relative to Application—Exhibit to
Petition.]**

**ALL PAPERS MUST BE IN DUPLICATE, AP-
PLICATION MUST BE MADE BY COUNTY
ATTORNEY.**

When the application is based upon indictment the application must be accompanied by duly attested copy of the indictment.

When application is based upon information the application must be accompanied by certified copies of the information and warrant of arrest certified to by the magistrate and the genuineness of his signature; and such information must be supported and accompanied by affidavit or affidavits, sworn to before the magistrate (a notary public is not a magistrate within the meaning of the statute) by some person or persons having knowledge, setting forth the details of the commission of the crime.

In all cases of fraud, false pretenses, embezzle-

ment or forgery, the affidavit of the principal complaining witness or informant, that the application is made in good faith, for the sole purpose of punishing the accused and that he does not desire or expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not directly or indirectly use the same for any of said purposes, should accompany the application, whether based on indictment or information.

An affidavit should also accompany the application even though based on indictment where requisition is made upon the State of Pennsylvania, and the crime is that of seduction.

If there has been any former application for a requisition for the same person, growing out of the same transaction, it should be so stated, with an explanation of the reason for a second request, together with the date of such application as near as may be.

If the offense charged is not of recent occurrence a satisfactory reason should be given for the delay in making the application. [26]

State of California,
County of Sacramento,—ss.

I, Martin C. Madsen, Executive Secretary of Hiram W. Johnson, Governor of the State of California, do hereby certify that the foregoing are full, true and correct copies of all the records, files and documents presented by the Governor of the State of Iowa to the Hon. Hiram W. Johnson as Governor of the State of California, in the matter of the requisition of the Governor of the State of Iowa for Ernest C. Reed, charged with the crime of False Pretenses,

and I further certify that the foregoing are all the records, files and documents upon which the said Hiram W. Johnson as said Governor acted in issuing the writ of rendition herein.

In Witness Whereof, I have hereunto set my hand this 14th day of December, 1914.

MARTIN C. MADSEN,
Executive Secretary of the Governor of the State of
California.

State of California,
County of Sacramento,—ss.

On this 14th day of December, 1914, before me, Myrtle V. Murray, a Notary Public in and for said county, residing therein, duly commissioned and sworn, personally appeared Martin C. Madsen, known to me to be the executive secretary to the Governor of the State of California, and the person who executed the foregoing certificate, and acknowledged to me that as such executive secretary he executed the same.

Witness my hand and official seal.

MYRTLE V. MURRAY,
Notary Public in and for the Co. of Sacramento,
State of Cal. [27]

[Endorsed]: No. 899—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Petition for Writ. Filed Dec. 17, 1914, at 35 min. past 10 o'clock A. M. Wm. M. Van Dyke, Clerk. Chas. N. Williams, Deputy.

Collier, Shelton & Schlegel, 811 Herman W. Hellman Building, Sunset, Main 9480, Home A4201, Los Angeles, California, Attorneys for Petitioner. [28]

In the United States District Court, Southern District of California, Southern Division.

In the Matter of the Application of ERNEST C. REED, for Writ of Habeas Corpus.

Order for Issuance of Writ of Habeas Corpus.

Upon reading and filing the petition of Ernest C. Reed for Writ of Habeas Corpus and good cause appearing therefrom therefor, IT IS HEREBY ORDERED that a Writ of Habeas Corpus issue thereon as prayed for, returnable before me December 18th, 1914, at 10 A. M.

Dated December 17th, 1914.

[Seal] BENJAMIN F. BLEDSOE,

Judge of the United States District Court, in and for the Southern District of California, Southern Division

JS:MGC.

[Endorsed]: No. 899—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Order for Issuance of Writ of Habeas Corpus. Filed Dec. 17, 1914, at 35 min. past 10 o'clock A. M. Wm. M. Van Dyke, Clerk. Chas. N. Williams, Deputy. Collier, Shelton & Schlegel, 811 Herman W. Hellman Building,

Sunset Main 9480, Home A4201, Los Angeles, California, Attorneys for Petitioner. [29]

In the United States District Court, Southern District of California, Southern Division.

United States of America,
Southern District of California,
Southern Division.

Writ of Habeas Corpus.

To C. E. Sebastian, Chief of Police of the City of Los Angeles, and to Patrick J. Phelan, an Officer of the State of Iowa, Representing the Governor of Said State, Greeting:

We command you that you have the body of Ernest C. Reed by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name said Ernest C. Reed shall be called or charged, before BENJAMIN F. BLEDSOE, Judge of said District Court of the United States, in and for the Southern District of California, at Los Angeles, in the said District and Division, on December 18th, 1914, at 10:00 A. M., to do and receive what shall then and there be considered concerning the said Ernest C. Reed.

And have you then and there this writ.

WITNESS, Hon. BENJAMIN F. BLEDSOE, Judge of the said District Court, at the courtroom thereof, in the said District, this 17th day of December, 1914.

ATTEST, my hand and the seal of said Court, the day and year last above written.

[Seal]

WM. M. VAN DYKE,

Clerk.

By Chas. N. Williams.

JS:MGC.

MARSHAL'S RETURN.

I personally served copy of within Writ on C. E. Sebastian and Patrick J. Phelan this 17th day of Dec., 1914, at Los Angeles, Calif.

C. T. WALTON,

U. S. Marshal.

By J. F. Durlin,

Deputy. [30]

[Endorsed]: Marshal's Criminal Docket No. 5968. No. 899—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Writ of Habeas Corpus. Filed Dec. 17, 1914, at 30 min. past 11 o'clock A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. Collier, Shelton & Schlegel, 811 Herman W. Hellman Building, Sunset, Main 9480, Home A4201, Los Angeles, California, Attorneys for Petitioner. [31]

[Order Admitting Ernest C. Reed to Bail.]

In the United States District Court, Southern District of California, Southern Division.

In re the Application of ERNEST C. REED for a Writ of Habeas Corpus.

It is hereby ordered that the said Ernest C. Reed be admitted to bail in the sum of \$5,000.00, to be given by two good and sufficient sureties to be approved by a U. S. Commissioner, and when so approved, the said Reed be released.

Dated December 17th, 1914.

BENJAMIN F. BLEDSOE,
Judge.

[Endorsed]: No. 899—Crim. U. S. District Court, Southern District of California, Southern Division. In re Application of Ernest C. Reed for Writ of Habeas Corpus. Order Fixing Bail. Filed Dec. 17, 1914. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. [32]

In the District Court of the United States in and for the Southern District of California, Southern Division.

In the Matter of the Application of ERNEST C. REED, for a Writ of Habeas Corpus.

Return on Writ of Habeas Corpus.

To the Honorable Benjamin F. Bledsoe, Judge of the United States District Court, Southern District of California, Southern Division:

I, Charles E. Sebastian, Chief of Police of the city

of Los Angeles, hereby make my return in the above-entitled matter:

That on the 4th day of December, 1914, I arrested the within named ERNEST C. REED on an extradition warrant of arrest and rendition issued by his Excellency Hiram W. Johnson, Governor of the State of California on the 20th day of November, 1914, commanding the arrest of the said ERNEST C. REED as a fugitive from justice from the State of Iowa, and the delivery of him, the said ERNEST C. REED into the custody of Patrick J. Phelan named within said extradition warrant as the agent of the State of Iowa. That I delivered the said ERNEST C. REED into the custody of the said Patrick J. Phelan, agent of the State of Iowa in this city of Los Angeles, on the said 4th day of December, 1914, but immediately after said arrest and delivery on the said 4th day of December, 1914, while the said ERNEST C. REED though technically in the custody of Patrick J. Phelan, agent of the State of Iowa, was still actually in my custody, a Writ of Habeas Corpus issued from the Superior Court in and for the County of Los Angeles, State of California, was served upon me, C. E. Sebastian, Chief of Police of the city of Los Angeles, and the said Patrick J. Phelan, [33] agent of the State of Iowa, on application of the said ERNEST C. REED and made returnable before the Hon. Gavin W. Craig, Judge of said Superior Court on the 9th day of December, 1914. That I, C. E. Sebastian, Chief of Police of the city of Los Angeles, and the said Patrick J. Phelan, agent of the State of Iowa, jointly made return on said writ to

the Hon. Gavin W. Craig, judge as aforesaid, but that hearing of said matter was finally had before the Hon. Frank R. Willis, Judge of said Superior Court on the 12th day of December, 1914, when the writ was dismissed and the said prisoner ERNEST C. REED remanded into the custody of the said Patrick J. Phelan, agent of the State of Iowa in the said extradition.

That immediately thereafter, to wit, in the forenoon of the 12th day of December, 1914, and while officers of my department were aiding the said Patrick J. Phelan, Agent of the State of Iowa, in the detention of the said prisoner ERNEST C. REED, a writ of habeas corpus issued from the District Court of Appeal in and for the Second District, State of California, by the Hon. W. P. James, Presiding Justice of said court, and upon application of the said ERNEST C. REED, was served upon me, C. E. Sebastian, Chief of Police of the city of Los Angeles, and the said Patrick J. Phelan, Agent of the State of Iowa, returnable at 2 o'clock, P. M. of the said 12th day of December, 1914.

That I, C. E. Sebastian, Chief of Police as aforesaid, and the said Patrick J. Phelan, Agent of the State of Iowa, jointly made return on said writ of habeas corpus to the Hon. W. P. James, Presiding Justice as aforesaid, on the afternoon of the said 12th day of December, 1914, but that hearing of said matter was continued until the forenoon of the 17th day of December, 1914, when upon hearing said writ of habeas corpus was dismissed by the Hon. W. P. James, Presiding Justice of said court and the said prisoner ERNEST C. REED remanded [34] into

the custody of the said Patrick J. Phelan, Agent of the State of Iowa in the said extradition.

That immediately thereafter, to wit, in the forenoon of the 17th day of December, 1914, the writ of habeas corpus issuing from the United States District Court in and for the Southern District of California, Southern Division, on petition of the said ERNEST C. REED, in the matter pending, was served upon me, Charles E. Sebastian, Chief of Police as aforesaid, and the said Patrick J. Phelan, Agent of the State of Iowa in said extradition, and that immediately following service of said writ I had delivered into my hands a certified copy of the order made in the said United States District Court, Southern District of California, Southern Division, admitting the said ERNEST C. REED, to bail pending the hearing of said writ and certificate of William M. Van Dyke, Clerk of said court, that the bond required to be given on said order had been duly approved, said order admitting to bail and certificate of giving of bond being in words and figures as follows:

“In the United States District Court, Southern District of California, Southern Division.

In Re the Application of ERNEST C. REED, for
Writ of Habeas Corpus.

It is hereby ordered that the said Ernest C. Reed be admitted to bail in the sum of \$5000.00 to be given by two good and sufficient sureties to be approved by a U. S. Commissioner and when so approved the said Reed be released.

Dated December 17th, 1914.

BENJAMIN F. BLEDSOE,

Judge.

[Endorsed]: No. 899—Crim. U. S. District Court, Southern District of California, Southern Division. In Re Application of Ernest C. Reed for Writ of Habeas Corpus. Order [35] Fixing Bail Filed Dec. 17, 1914. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing to be a full, true and correct copy of an order admitting to bail, made and filed December 17, 1914, in the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus, No. 899—Crim. S. D. as the same remains on file in my office, and I do further certify that the Bond required to be given in said order has been duly approved by Chas. N. Williams, a U. S. Commissioner, and filed in my office on this 17th day of December, 1914.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 17th day of December, A. D., 1914.

[Seal of the U. S. District Court, Southern District of California.]

WM. M. VAN DYKE,

Clerk.

By Leslie S. Colyer,

Deputy Clerk.”

That immediately upon receipt of said order admitting the said ERNEST C. REED to bail, and cer-

tificate that the bond required had been duly approved and filed, I discharged the said ERNEST C. REED from custody and have not since said hour and date had him in my custody, and in consequence cannot bring the body of the said ERNEST C. REED before your Honorable Court on the day and hour that I am within commanded.

I have attached hereto and make a part of this return a full, true and correct copy of the warrant of arrest and rendition in the extradition of the said ERNEST C. REED to the State of Iowa, with my return and the receipt of the said Patrick J. Phelan, agent of the State of Iowa endorsed thereon; also full, [36] true and correct copies of the extradition request made by the authorities of the State of Iowa upon his Excellency the Governor of the State of California as same are certified by Martin C. Madsen, Executive Secretary of the State of California, and I also submit herewith for the inspection of the Honorable Court the original of the said extradition warrant; the certified copies of all papers in the said extradition of ERNEST C. REED from the State of California to the State of Iowa, as same were received by me from the said Martin C. Madsen, Executive Secretary as aforesaid, and the certified copy of order admitting the said ERNEST C. REED to bail pending the hearing of the writ in this matter, which was served upon me and by virtue of which I discharged the said ERNEST C. REED from custody.

Dated December 18, 1914.

C. E. SEBASTIAN,
Chief of Police of the City of Los Angeles, State of
California.

I, Patrick J. Phelan, agent of the State of Iowa, in the extradition of Ernest C. Reed, hereby certify that the foregoing is a full, true and correct return of the action had in said matter. I attach hereto a copy of my commission issued by his Excellency G. W. Clark, Governor of the State of Iowa, appointing me as agent of the said State of Iowa in said extradition and the original of said commission I also submit herewith for the inspection of the Honorable Court.

Dated December 18, 1914.

PATRICK J. PHELAN,
Agent of the State of Iowa in the Extradition of
Ernest C. Reed. [37]

**[Exhibits Attached to Return on Writ of Habeas
Corpus.]**

(COPY)

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT.

The People of the State of California, to Any Sheriff,
Constable, Marshal, or Policeman of This State,
Greeting:

WHEREAS, it has been represented to me by the Governor of the State of Iowa that ERNEST C. REED stands charged with the crime of False Pretenses, committed in the County of Scott, in said State, and that he fled from the justice of that State,

and has taken refuge in the State of California, and the said Governor of Iowa having, in pursuance of the Constitution and Laws of the United States, demanded of me that I shall cause the said ERNEST C. REED to be arrested and delivered to PATRICK J. PHELAN, who is authorized to receive him into his custody and convey him back to the said State of Iowa.

AND WHEREAS, the said representation and demand is accompanied by a copy of certificate of prosecuting attorney, copies of indictment and warrant, and affidavits, certified by the Governor of the State of Iowa to be authentic, whereby the said ERNEST C. REED is charged with said crime and it satisfactorily appearing that the representations of the said Governor of Iowa are true and that said ERNEST C. REED is a fugitive from the justice of said State of Iowa.

YOU ARE THEREFORE required to arrest and secure the said ERNEST C. REED, wherever he may be found within this State, and to deliver him into the custody of the said PATRICK J. PHELAN, to be taken back to the State from which he fled, pursuant to the said requisition, he, the said PATRICK J. PHELAN, defraying all costs and expenses incurred in the arrest and securing of the said fugitive.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the [38] State to be affixed, this, the 30th day of November,

in the year of our Lord one thousand nine hundred and fourteen.

[The Great Seal of the State of California.]

HIRAM W. JOHNSON,
Governor of the State of California.

By the Governor: FRANK C. JORDAN,
Secretary of State.

By FRANK H. CANY,
Deputy.

RETURN THIS WRIT TO THE GOVERNOR'S
OFFICE, AT SACRAMENTO, CALIFORNIA.

(OVER)

(On reverse side of sheet:) (Copy).

State of California,
County of Los Angeles,—ss.

I hereby certify, That I have executed the within warrant by arresting the said Ernest C. Reed, the fugitive named therein, and delivering him into the custody of the said Patrick J. Phelan, the agent of the State of Iowa, at Los Angeles, Calif., this 4th day of December, 1914.

C. E. SEBASTIAN,
Chief of Police of the City of Los Angeles, California.

I hereby certify that I received the within-named fugitive Ernest C. Reed, from C. E. Sebastian, Chief of Police of the City of Los Angeles, in said City, this 4th day of December, 1914.

PATRICK J. PHELAN,
Agent of the State of Iowa. [39]

(COPY)

STATE OF IOWA.

EXECUTIVE DEPARTMENT.

G. W. Clarke, Governor of the State of Iowa, to All
to Whom These Presents Shall Come, Greeting:

KNOW YE: That I have appointed, and do hereby
appoint, Patrick J. Phelan, of the County of Scott,
my agent to take and receive from the authorities of
the State of California,

ERNEST C. REED,

fugitive from justice, and to convey him to the State
of Iowa, to be dealt with according to law.

These are therefore to request and require all per-
sons to permit the said agent to receive and secure
the said fugitive and bring him unmolested into this
State, said agent peaceably and lawfully behaving.

The State of Iowa will be at no expense on account
hereof unless the accused be returned to the State,
indicted (if not already so), and tried; nor shall such
expense in any event exceed the sum of Three Hun-
dred Dollars, in addition to fees lawfully paid to offi-
cers of other States.

IN TESTIMONY WHEREOF: I have hereunto
set my hand and caused to be affixed the Great Seal
of the State of Iowa. Done at Des Moines this 21st
day of November, in the year of our Lord one thou-
sand nine hundred and fourteen, of the independence
of the United States the one hundred and thirty-
ninth.

(Great Seal of the State of Iowa.)

By the Governor:

G. W. CLARKE,

W. S. ALLEN,

Secretary of State. [40]

COPY.

I hereby certify that the within and foregoing is a true and exact copy of the papers in the matter of the extradition of Ernest C. Reed from the State of California to the State of Iowa on file in this office.

Dated: Sacramento, Cal., December 3, 1914.

MARTIN C. MADSEN,

Executive Secretary to the Governor.

On this 3d day of December, 1914, before me, Myrtle V. Murray, a notary public in and for the County of Sacramento, residing therein, duly commissioned and sworn, personally appeared Martin C. Madsen, Executive Secretary to the Governor, whose name is subscribed to the foregoing certificate and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the County of Sacramento, the day and year in this certificate first above written.

MYRTLE V. MURRAY,

Notary Public in and for the County of Sacramento,
State of California.

(With the seal of the Notary Public impressed thereon, thus:)

“NOTARY PUBLIC,

Eureka,

Sacramento County,

Calif.” [41]

[Application for Requisition—Exhibit to Return.]

COPY.

APPLICATION FOR REQUISITION.

November 21, 1914.

State of Iowa,
County of Scott,
Office of County Attorney.

To the Governor of the State of Iowa:

Sir: I herewith make application for a requisition upon the Governor of California for the return of ERNEST C. REED who is charged in this county with felony, and who, as it appears from the accompanying affidavit, is a fugitive from justice of this state.

In support of this application I send herewith certified copies of the indictment and bench warrant and also affidavits alleging the facts required to be established, and I hereby certify:

1. That the full name of the person for whom extradition is asked is ERNEST C. REED, who stands charged with the crime of False Pretenses; and the name of the agent proposed is Patrick J. Phelan, who is a resident of Davenport, in the County of Scott, State of Iowa.

2. That in my opinion the ends of public justice require that the alleged criminal be brought to this state for trial, at the public expense.

3. That I believe I have sufficient evidence to secure the conviction of said fugitive.

4. That the person named as agent is a proper person and that he has no private interest in the

arrest of said fugitive.

5. That all papers herein are in duplicate and have been compared with each other, and are, in all respects, entirely alike.

6. That this application is not made for the purpose of enforcing the collection of a debt, or for any private purpose [42] whatever; and if the requisition now applied for be granted, the criminal proceedings shall not be used for any of said objects.

(Signed) FRED VOLLMER,

County Attorney.

(Over.)

(On reverse side of sheet:)

COPY.

Affidavit [of Fred Vollmer—Exhibit to Return.]

State of Iowa,

County of Scott,—ss.

I, Fred Vollmer, on oath depose and say: That Ernest C. Reed who is charged with the crime of False Pretenses committed on or about June 7, 1909, in the County of Scott, has, since the commission of said crime, actually fled from the State of Iowa, the time of his escape being about June 7, 1909, and that he is now a fugitive from justice of this state, and I have reason to believe is at Los Angeles, in the State of California, where he is under arrest awaiting a warrant in this case, and I ask that a requisition be issued on the Governor of the State of California.

(Signed) FRED VOLLMER.

Subscribed and sworn to before me by Fred Vollmer this 21st day of November, 1914.

F. A. COOPER,

Notary Public, Scott Co., Ia.

(With the seal of said Notary impressed thereon.)

[43]

WM. THEOPHILUS,

Judge of the Seventh Judicial District.

[Indictment—Exhibit to Return.]

COPY.

This Bill of Indictment was presented in open court in the presence of the Grand Jury, and by their Foreman, and is now here filed in presence of the Court, and of the Grand Jury, this 25th day of September, A. D. 1914.

H. J. McFARLAND,

Clerk District Court, Scott County, Iowa.

A. C. MARTENS,

Deputy.

No Private Prosecutor.

COPY.

No. 3280.

THE STATE OF IOWA

vs.

ERNEST C. REED.

A True Bill.

J. G. DUTCHER,

Foreman of the Grand Jury.

Names of witnesses examined before the Grand Jury:

CHAS. SORROWFREE,

ASAPH SERGEANT. [44]

COPY.

District Court of the County of Scott.

THE STATE OF IOWA

Against

ERNEST C. REED.

The Grand Jury of the County of Scott, in the name and by the authority of the State of Iowa, accuse Ernest C. Reed, of the crime of False Pretenses committed as follows:

The said Ernest C. Reed on or about the 7th day of June, in the year of our Lord one thousand nine hundred and nine in the County aforesaid, did unlawfully, feloniously, designedly, by means of false pretenses and with intent to defraud, obtain from Asaph Sergeant and of the property of said Asaph Sergeant a draft in words and figures substantially as follows:

“LeClaire Savings Bank.

LeClaire, Iowa, June 7, 1909. No. 14742.

Pay to the order of A. Sergeant. \$5,537.00
Fifty-five hundred and thirty-seven dollars (Not over six thousand \$6,000).

Payable at

Par in To Iowa National Bank.

New York or Davenport, Iowa.

Chicago Exchange.

F. C. MICHAEL.

H. D. G.,

Cashier.

Endorsed on the back thereof, “Asaph Sergeant,” and a certificate of ten shares of stock of the par

value of one hundred dollars per share of the American Security Co., a corporation (a better description being to this Grand Jury unknown), by unlawfully, feloniously, designedly, by means of false pretenses, and with intent to defraud, represent that the title to all that certain tract or parcel of land in Moore County, Texas, more particularly described as follows: West half of Survey 11, Block Q, Certificate 5/814, H. & G. [45] N. R. R. Co., grant 320 acres in the Pan Handle of Texas was clear, that it was unincumbered *and*

COPY.

and that he owned the said land and the title thereto and that he would warrant all and singular the said premises unto the said Asaph Sergeant against every person lawfully claiming or to claim the same or any part thereof, and each and all of said representations said Asaph Sergeant relied upon and believed.

Whereas in truth and in fact the aforesaid described land in Moore County, Texas, was not clear, and was not unincumbered, and that he did not own the said land and the title thereto and that he could not warrant the premises unto said Asaph Sergeant, and that in truth and in fact said above-described land in Moore County, Texas, was then and there subject to a vendor's lien of a large amount of money, to wit, about Two Thousand Five Hundred Dollars, all of which was then and there well known to said Ernest C. Reed, contrary to and in violation of law; and the said Grand Jury further alleges that said defendant Ernest C. Reed has not been publicly a resident within the State of Iowa during the period

of time from June 7, 1909, until the present time, the date of the return of this indictment.

(Signed) FRED VOLLMER,
County Attorney in and for Scott County, Iowa.
[46]

COPY.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court of the State of Iowa, in and for said county, do hereby certify that the above and foregoing is a true and perfect transcript of the Record Entry of Bill of Indictment in case No. 3280, The State of Iowa vs. Ernest C. Reed, in the above-entitled cause, as fully as the same remains on record in my office.

And I further certify that the records of said court are now in my custody and under my control and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at the courthouse in Davenport, in said county this 20th day of November, A. D. 1914.

(Signed) H. J. McFARLAND,
Clerk of District Court.

(With the seal impressed thereon.) [47]

COPY.

JUDGE'S AND CLERK'S CERTIFICATE.

State of Iowa,
Scott County,—ss.

*In the District Court of Iowa, in and for Scott
County.*

I, M. F. DONEGAN, one of the Judges of the Seventh Judicial District of Iowa, within which is included Scott County, do hereby certify that H. J. McFARLAND, whose genuine signature is attached to the foregoing and attached certificate, was at the date thereof, to wit:

November 20th, 1914, the Clerk of the District Court in and for Scott County, duly elected, qualified and acting, and the person having by law the custody of the seal of said court, and that said certificate is in due form.

Witness my hand hereto this 20th day of November, A. D. 1914.

M. F. DONEGAN, (Signed)
Judge Seventh Judicial District.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court within and for Scott County, do hereby certify that Hon. M. F. Donegan, whose genuine signature is affixed to the foregoing certificate, was at the date thereof, to wit: November 20th, A. D. 1914, one of the Judges of the District Court of said Judicial District, duly elected, qualified and acting.

WITNESS my hand and the seal of the Court

hereto affixed, at my office in Davenport, in said county this 20th day of November, 1914.

H. J. McFARLAND,
Clerk of Said Court.

(With the Seal of the District Court impressed thereon.) [48]

Bench Warrant [Exhibit to Return].

COPY.

State of Iowa,
Scott County,—ss.

The State of Iowa, to any Peace Officer in the State:

An Indictment having been found in the District Court of said county, on the 25th day of September, A. D. 1914, charging Ernest C. Reed with the crime of False Pretenses, you are therefore hereby commanded to arrest the said Ernest C. Reed and bring him before said court to answer said Indictment, if the said court be then in session in said county (or if the said Ernest C. Reed require it, that you take him before a Magistrate, or the clerk of the District Court in said county, or in the county in which you arrest him that he may give bail to answer the said Indictment; or if the said court be not then in session in said county, that you deliver him into the custody of the sheriff of said county).

Given under my hand and the seal of said court, at my office, in the city of Davenport, in the county aforesaid, this 25th day of September, A. D. 1914.

By order of the Judge of the Court.

H. J. McFARLAND,
Clerk of District Court.

[Seal of the District Court of Scott Co., Iowa.]

The defendant is to be admitted to bail in the sum of \$100,000.00.—Dollars. [49]

COPY.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court of the State of Iowa, in and for the said county, do hereby certify that the above and foregoing is a true and perfect transcript of the Record Entry of Bench Warrant issued in case No. 3280 Criminal, State of Iowa, vs. Ernest C. Reed, in the above-entitled cause, as fully as the same remains on record in my office.

And I further certify that the records of said court are now in my custody and under my control and that I am the proper officer to make this certificate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, at the courthouse in Davenport, in said county, this 20th day of November, A. D. 1914.

[Seal] H. J. McFARLAND, (Signed)
Clerk of District Court. [50]

COPY.

JUDGE'S AND CLERK'S CERTIFICATE.

State of Iowa,
Scott County,—ss.

*In the District Court of Iowa, in and for Scott
County.*

I, WM. THEOPHILUS, one of the Judges of the Seventh Judicial District of Iowa, within which is included Scott County, do hereby certify that H. J. McFarland, whose genuine signature is attached

to the foregoing and attached certificate, was, at the date thereof, to wit, November 20th, 1914, the clerk of the District Court in and for Scott County, duly elected, qualified and acting, and the person having by law the custody of the seal of said court, and that said certificate is in due form.

WITNESS my hand hereto this 20th day of November, A. D. 1914.

WM. THEOPHILUS, (Signed)
Judge Seventh Judicial District.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court within and for Scott County, do hereby certify that Hon. Wm. Theophilus, whose genuine signature is affixed to the foregoing certificate, was at the date thereof, to wit, November 20th, A. D. 1914, one of the Judges of the District Court of said Judicial District, duly elected, qualified and acting.

WITNESS, my hand and the seal of the Court hereto affixed, at my office in Davenport, in said county, this 20th day of November, 1914.

H. J. McFARLAND,
Clerk of Said Court.

(With the Seal of the District Court impressed thereon.) [51]

[**Affidavit of Asaph Sergeant—Exhibit to Return.**]

COPY.

*In the District Court of the State of Iowa in and for
Scott County.*

STATE OF IOWA

Against

ERNEST C. REED.

State of Iowa,
Scott County,—ss.

I, Asaph Sergeant, being duly sworn on oath state: That I reside in LeClaire, Scott County, Iowa, and that I am the principal complaining witness in the above-entitled cause; that this application for a requisition upon the Governor of California for the return of Ernest C. Reed is made in good faith, for the sole purpose of punishing the accused and that I do not desire or expect to use the prosecution for the purpose of collecting a debt or for any private purpose and will not directly or indirectly use the same for any of said purposes. I further state that said Ernest C. Reed has been absent from the State of Iowa since June 7, 1909. That I did not discover the fact that Ernest C. Reed had committed a crime in connection with the transaction that occurred on said date until I had the title examined to the property in question which was a long time after said date and that since the discovery of said crime I have been endeavoring to locate said Ernest C. Reed and that on or about November 20, 1914, I learned that he was in Los Angeles, California, and

that this is the cause for the delay in making the application for the requisition.

(Signed) ASAPH SERGEANT.

Signed and sworn to before me this 21st day of November, 1914.

WM. THEOPHILUS, (Signed)
Judge of the District Court of Iowa in and for the
Seventh Judicial District of said State. [52]

COPY.

JUDGE'S AND CLERK'S CERTIFICATE.

*In the District Court of Iowa, in and for Scott
County.*

State of Iowa,
Scott County.

I, WM. THEOPHILUS, one of the Judges of the Seventh Judicial District of Iowa, within which is included Scott County, do hereby certify that H. J. McFarland, whose genuine signature is attached to the foregoing and attached certificate, was at the date thereof, to wit:

November 21st, 1914, the clerk of the District Court in and for Scott County, duly elected, qualified and acting, and the person having by law the custody of the seal of said Court, and that said certificate is in due form.

Witness my hand hereto this 21st day of November, A. D. 1914.

(Signed) WM. THEOPHILUS,
Judge Seventh Judicial District.

State of Iowa,
Scott County,—ss.

I, H. J. McFarland, Clerk of the District Court with and for Scott County, do hereby certify that Hon. Wm. Theophilus, whose genuine signature is affixed to the foregoing certificate, was at the date thereof, to wit, November 21st, A. D. 1914, one of the Judges of the District Court of said Judicial District, duly elected, qualified and acting.

WITNESS my hand and the seal of the Court hereto affixed, at my office in Davenport, in said County this 21st day of November, 1914.

H. J. McFARLAND, (Signed)
Clerk of Said Court.

(With the seal of said Court impressed thereon.)

[53]

[Rules of Practice—Exhibit to Return.]

COPY.

RULES OF PRACTICE.

**ALL PAPERS MUST BE IN DUPLICATE, AND
APPLICATION MUST BE MADE BY
COUNTY ATTORNEY.**

When the application is based upon indictment the application must be accompanied by duly attested copy of the indictment.

When application is based upon information the application must be accompanied by certified copies of the information and warrant of arrest certified to by the magistrate and the genuineness of his signature and such information must be supported

and accompanied by affidavit or affidavits, sworn to before the Magistrate (a notary public is not a magistrate within the meaning of the statute) by some person or persons having knowledge, setting forth the details of the commission of the crime.

In all cases of fraud, false pretenses, embezzlement or forgery, the affidavit of the principal complaining witness or informant, that the application is made in good faith, for the sole purpose of punishing the accused, and that he does not desire or expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not directly or indirectly use the same for any of said purposes, should accompany the application, whether based on indictment or information.

An affidavit should also accompany the application even though based on indictment where requisition is made upon the State of Pennsylvania and the crime is that of seduction.

If there has been any former application for a requisition for the same person, growing out of the same transaction, it should be so stated, with an explanation of the reasons for a second request, together with the date of such application, as near as may be.

If the offense charged is not of recent occurrence a satisfactory reason should be given for the delay in making the application. [54]

[Endorsed]: No. 899—Crim. In the District Court of the United States in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed for Writ of

Habeas Corpus. Writ of Habeas Corpus. Received Copy of the Within this —— day of ——, 191—. Attorney for ——, Collier, Shelton & Schlegel, 811 Herman W. Hellman Bldg., Sunset, Main 9480, Home A4201, Los Angeles, California, Attorneys for Petitioner. 3-6-14—500. Return of C. E. Sebastian, Chief of Police of the City of Los Angeles, and Patrick J. Phelan, Agent of the State of Iowa. Filed Dec. 18, 1914. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy. [55]

[Order on Hearing—December 18, 1914.]

At a stated term, to wit, the July Term, A. D. 1914, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the City of Los Angeles, on Friday, the eighteenth day of December, in the year of our Lord one thousand nine hundred and fourteen. Present, The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. 899—CRIM. S. D.

In the Matter of the Application of ERNEST C. REED for a Writ of Habeas Corpus.

This cause coming on this day to be heard on a writ of habeas corpus; James E. Shelton, Esq., Frank C. Collier, Esq., and John Schlegel, Esq., appearing as counsel for petitioner; Percy V. Hammon, Esq., Deputy District Attorney of Los Angeles County, California, and C. A. Stutsman, Esq., appearing as counsel for respondents; and the return

of respondents to the writ of habeas corpus having been filed in open court; and said cause having been argued, on behalf of petitioner, by Frank C. Collier, Esq., of counsel for petitioner, and on behalf of respondents by C. A. Stutsman, Esq., and Percy V. Hammon, Esq., of counsel for respondents, and further on behalf of petitioner by Frank C. Collier, Esq., of counsel for petitioner, and further on behalf of respondents by C. A. Stutsman, Esq., of counsel for respondents, and further on behalf of petitioner by Frank C. Collier, Esq., of counsel for petitioner; it is ordered that this cause be, and the same hereby is continued for further hearing until Saturday, the 19th day of December, 1914, at 10:30 o'clock A. M.

[56]

[Order Denying Application for Leave to Introduce Evidence, Discharging Writ of Habeas Corpus, etc.]

At a stated term, to wit, the July Term, A. D. 1914, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the City of Los Angeles, on Saturday, the nineteenth day of December, in the year of our Lord one thousand nine hundred and fourteen. Present, The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. 899—CRIM. S. D.

In the Matter of the Application of ERNEST C. REED for a Writ of Habeas Corpus.

This cause coming on this day to be further heard

on the writ of habeas corpus and respondents' return thereto; Frank C. Collier, Esq., John Schlegel, Esq., and James E. Shelton, Esq., appearing as counsel for petitioner; Percy V. Hammon, Esq., Deputy District Attorney of Los Angeles, California, and C. A. Stutsman, Esq., appearing as counsel for respondents; it is now by the Court ordered, that the application for leave to introduce evidence herein be, and the same hereby is denied, and it is further ordered that the writ of habeas corpus herein be, and the same hereby is discharged, the petitioner to be remanded to the custody of respondents; whereupon, a Petition for Order Allowing Appeal and Assignments of Errors, having been presented on behalf of petitioner by his said counsel, and filed herein, an order allowing an appeal herein to the United States Circuit Court of Appeals for the Ninth Circuit, and fixing the bail of petitioner on said appeal at \$7,500.00 is presented, signed and filed in open court, and it is further ordered that petitioner be, and he hereby is remanded to the custody of the U. S. Marshal for this district until said bail is given.

[57]

*In the District Court of the United States, Southern
District of California, Southern Division.*

In the Matter of the Application of ERNEST C.
REED for Writ of Habeas Corpus.

**Petition for Appeal to the Circuit Court of Appeals
in Habeas Corpus.**

The said Ernest C. Reed by his attorneys, Messrs.
Collier, Shelton & Schlegel, feeling himself aggrieved

by the order and judgment entered on December 19, 1914, in the above-entitled proceeding does hereby appeal from the said order to the Circuit Court of Appeals for the Ninth Circuit and prays that his appeal may be allowed and that a transcript of the record of proceedings and papers upon which said order is made, duly authenticated, may be sent to the Circuit Court of Appeals of the Ninth Circuit of the United States.

COLLIER, SHELTON & SCHLEGEL.

By COLLIER,

Attorneys for Petitioner.

FCC: MGC.

[Endorsed]: No. 899—Crim. In the District Court of the United States in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Petition for Appeal to the Circuit Court of Appeals in Habeas Corpus. Filed Dec. 19, 1914. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy. Collier, Shelton & Schlegel, 811 Herman W. Hellman Building, Sunset, Main 9480, Home A4569, Los Angeles, California, Attorneys for Petitioner. [58]

*The United States Circuit Court of Appeals for the
——— Circuit, Term of ———, in the Year of
our Lord, One Thousand Nine Hundred and
Fourteen.*

In the Matter of the Application of ERNEST C.
REED for Writ of Habeas Corpus.

Assignment of Error.

Afterward, to wit, on the —— day of December, 1914, in this same term, before the honorable judges of the Circuit Court of Appeals for the Ninth Circuit, in the City of San Francisco, State of California, comes Ernest C. Reed by his attorneys Messrs. Collier, Shelton & Schlegel and says that in the records and proceedings aforesaid there is manifest error in this, to wit: That the District Court of the United States, in and for the Southern District of California, Southern Division, erred in discharging the Writ of Habeas Corpus, and refusing the application of the said Ernest C. Reed therefor.

Again, in that said District Court did not hold that the indictment presented to the Governor of the State of California, did not properly and legally charge the petitioner with a crime against the laws of the State of Iowa.

Again, that said District Court erred in excluding the testimony offered by the petitioner for the purpose of showing that petitioner was publicly a resident within the State of Iowa for more than three years after the alleged commission of the alleged crime set forth in said indictment, and was for more

than three years after the alleged commission of said offense not without the reach of criminal process in said State of Iowa, and is therefore not a fugitive from justice.

For further errors appearing upon the record.

WHEREAS, by the law of the land the said Writ of Habeas Corpus should have been granted and the prisoner discharged. [59]

And the said Ernest C. Reed prays that the order and judgment aforesaid may be reversed, annulled and held for naught and for such other relief as may be proper in the premises.

COLLIER, SHELTON & SCHLEGEL.

By COLLIER,

Attorneys for Petitioner.

FCC: MGC.

[Endorsed]: No. 899—Crim. The United States District Court for the Southern Dist. of California. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Assignment of Error. Filed Dec. 19, 1914. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy. Collier, Shelton & Schlegel, Attorneys for Ernest C. Reed. Attorneys at Law, 811 H. W. Hellman Building, Los Angeles, California. Notaries Public. [60]

*In the District Court of the United States, Southern
District of California, Southern Division.*

In the Matter of the Application of ERNEST C.
REED for Writ of Habeas Corpus.

Order Allowing Appeal.

And now, to wit, on December 19, 1914, it is ordered that the appeal of the said petitioner Ernest C. Reed be allowed upon the following terms and under the following regulations: That the said Ernest C. Reed be taken into the custody of the United States Marshal for the Southern District of California to be by him safely kept, and that the said Ernest C. Reed do execute and deliver a good and sufficient bond in the sum of \$7,500.00 with security to be approved by Charles N. Williams a Commissioner of said United States District Court, which said bond when approved shall be filed with the clerk of said Circuit Court of Appeals of the United States in and for the Ninth Circuit and shall be conditioned as follows: That the said Ernest C. Reed do deliver himself up to the Marshal of said Southern District and to appear before the Circuit Court of Appeals whenever and wherever ordered by this court or by the said Circuit Court of Appeals and do then and there abide by and perform the judgment of the Circuit Court in the premises.

And that the said Ernest C. Reed do cause to be sent to said appellate tribunal a transcript of the petition, writ of habeas corpus and return thereto and other proceedings and documents and affidavits

of said cause immediately upon the execution of said bond. And that upon the execution and approval of said bond as aforesaid and tender of the same, the said Ernest C. Reed be discharged from the custody of said Marshal and allowed to go free, subject to the terms of this order or [61] the final disposition of said Appellate Court.

Done in open Court December 19, 1914.

BENJAMIN F. BLEDSOE,
United States District Judge.

FCC: MGC.

[Endorsed]: No. 899—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Order Allowing Appeal. Filed Dec. 19, 1914. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy. Collier, Shelton & Schlegel, 811 Herman W. Hellman Building, Sunset, Main 9480, Home A4569. Los Angeles, California, Attorneys for Petitioner. [62]

In the United States Circuit Court of Appeals for the Ninth Circuit, Term of ———, in the Year of Our Lord One Thousand Nine Hundred and Fourteen.

Bail Bond Pending Appeal on Writ of Habeas Corpus.

In the Matter of the Application of ERNEST C. REED for Writ of Habeas Corpus.

United States of America,
Southern District of California,—ss.

We, George T. Parr and J. H. Reid, jointly and severally acknowledge ourselves in debt to the United States of America in the sum of \$7,500.00 lawful money of the United States of America to be levied on our and each of our goods, chattels, lands and tenements upon this condition.

WHEREAS, the said Ernest C. Reed has sued out an appeal from the District Court of the United States for the Southern District of California in the matter of the application of the said Ernest C. Reed for Writ of Habeas Corpus for a review of said judgment in the United States Circuit Court of Appeals for the Ninth Circuit.

Now, if the said Ernest C. Reed shall appear and surrender himself in the District Court of the United States for the Southern District of California, or in the Circuit Court of Appeals of the United States in and for Ninth Circuit upon the final determination of said appeal or upon any other or further orders of said courts, or either of them, and from time to

time thereafter as he may be required to answer any further proceedings and abide by and perform any judgment or order which may be had or rendered therein in this matter and shall abide and perform any judgment or order which may be rendered in said United States Circuit Court of Appeals in and for the Ninth Circuit, and not depart from said District Court [63] without leave thereof, then this application shall be void, otherwise to remain in full force and virtue.

WITNESS our hands and seals this 19th day of December, A. D. 1914.

GEORGE T. PARR.

J. H. REID.

United States of America,
Southern District of California,—ss.

George T. Parr and J. H. Reid, the sureties whose names are subscribed to the above undertaking, being severally duly sworn, each for himself, says:

That he is a resident and freeholder in the County of Los Angeles, State of California, and is worth the sum in said undertaking specified, as the penalty thereof, over and above all his just debts and liabilities, exclusive of property exempt from execution.

GEORGE T. PARR.

J. H. REID.

Subscribed and sworn to before me this 19th day of December, 1914.

[Seal]

CHAS. N. WILLIAMS,

U. S. Commissioner.

Taken and approved this 19th day of December, 1914, before me Chas. N. Williams, United States

Commissioner in and for the Southern District of California, Southern Division.

CHAS. N. WILLIAMS,
United States Commissioner.

FCC: MGC.

The foregoing bond is approved this 19th day of December, 1914.

BENJAMIN F. BLEDSOE,
U. S. District Judge.

[Endorsed]: No. 899—Crim. The United States Circuit Court of [64] Appeals for the ——— Circuit: Term of ———, in the Year of Our Lord One Thousand Nine Hundred and Fourteen. In the Matter of the Application of Ernest C. Reed for Writ of Habeas Corpus. Bail Bond Pending Appeal on Writ of Habeas Corpus. Filed Dec. 19, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Collier, Shelton & Schlegel, Attorneys for Ernest C. Reed, Attorneys at Law, 811 H. W. Hellman Building, Los Angeles, California, Notaries Public. [65]

UNITED STATES OF AMERICA.

District Court of the United States, Southern District of California, Southern Division.

Clerk's Office.

No. 899—CRIM.

In the Matter of the Application of ERNEST C. REED for a Writ of Habeas Corpus.

Praeipice [for Transcript of Record].

To the Clerk of Said Court:

Sir: Please issue a certified transcript of the record in the above-entitled matter to constitute the record on appeal to the U. S Circuit Court of Appeals, and to consist of the following:

Minutes of the court.

Assignment of Error.

Order allowing appeal.

Petition for appeal to the U. S C. C. A.

Order for issuance of Writ of Habeas Corpus.

Petition for Writ of Habeas Corpus.

Return of C. E. Sebastian, Chief of Police and P. J.

Phelan, as agent, etc., to Writ of Habeas Corpus.

Order fixing Bail.

Writ of Habeas Corpus.

Bail Bond on Appeal.

12/19/14.

COLLIER SHELTON & SCHLEGEL.

By COLLIER.

[Endorsed]: No 899—Crim. U. S. District Court, Southern District of California, Southern Division. In Re Application of Ernest C. Reed for Writ of Habeas Corpus. Praeipice for Transcript. Filed Dec. 19, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. [66]

**[Certificate of Clerk U. S. District Court to
Transcript of Record, etc.]**

*In the District Court of the United States, in and
for the Southern District of California, South-
ern Division.*

No. 899—CRIM.

In the Matter of the Application of ERNEST C.
REED for a Writ of Habeas Corpus.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing sixty-six (66) typewritten pages, numbered from 1 to 66, inclusive, and comprised in one (1) volume, to be a full, true and correct copy of the Petition for Writ of Habeas Corpus, Order for Issuance of Writ of Habeas Corpus, Writ of Habeas Corpus, Order Fixing Bail Return of C. E. Sebastian, Chief of Police, and P. J. Phelan as Agent of the State of Iowa, to Writ of Habeas Corpus, Minute Order of December 18, 1914, Minute Order of December 19, 1914, Petition for Appeal, Assignment of Error, Order Allowing Appeal, Bond on Appeal, and Praecipe for Transcript on Appeal, in the above and therein entitled matter, and that the same together constitute the record in said cause as specified in the said Praecipe for Transcript on Appeal filed in my office on behalf of the petitioner and appellant herein by his attorneys of record.

I do further certify that the cost of the foregoing

record is \$31.50/100, the amount whereof has been paid me by Ernest C. Reed, the petitioner and appellant in said [67] matter.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this 23d day of January, in the year of our Lord one thousand nine hundred and fifteen, and of our Independence the one hundred and thirty-ninth.

[Seal]

WM. M. VAN DYKE,

Clerk of the District Court of the United States of America, in and for the Southern District of California.

[Ten Cent Internal Revenue Stamp. Canceled Jan. 23, 1915. W. M. V. D.] [68]

[Endorsed]: No. 2565. United States Circuit Court of Appeals for the Ninth Circuit. Ernest C. Reed, Appellant, vs. The United States of America, Charles E. Sebastian, Chief of Police of the City of Los Angeles, and Patrick J. Phelan, Agent of the State of Iowa, Appellees. In the Matter of the Application of Ernest C. Reed for a Writ of Habeas Corpus. Transcript of Record. Upon Appeal from the United States District Court for the Southern District of California, Southern Division.

Filed January 27, 1915.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.